

**AMENDMENTS TO THE CLAIMS:**

*This listing of claims will replace all prior versions, and listings, of claims in the application:*

**LISTING OF CLAIMS:**

Claim 1 (Currently Amended): A retardation film comprising:  
a transparent support positioned in a plane; and  
at least one optically anisotropic layer having a first direction with a smallest refractive index and a second direction with a largest refractive index,  
wherein said at least one optically anisotropic layer is formed of at least one compound exhibiting a liquid crystal phase; said at least one optically anisotropic layer exhibits biaxiality; ~~and~~ the first direction is substantially orthogonal to a direction normal to the plane of the transparent support; and the second direction is substantially orthogonal to the direction normal to the plane of the transparent support, wherein the angle between the second direction and the direction normal to the plane of the transparent support is 80 to 100°.

Claim 2 (Original): The retardation film as claimed in claim 1, wherein the liquid crystal phase is a biaxial liquid crystal phase.

Claim 3 (Original): The retardation film as claimed in claim 2, wherein the biaxial liquid crystal phase is a biaxial nematic liquid crystal phase.

Claims 4 and 5 (Canceled)

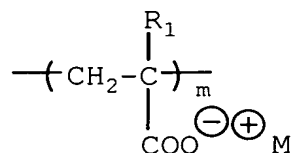
Claim 6 (Currently Amended): The retardation film as claimed in claim 4, which further comprises an alignment film between the transparent ~~layer~~ support and said at least one optically anisotropic layer.

Claim 7 (Original): The retardation film as claimed in claim 2, wherein the compound exhibiting the biaxial liquid crystal phase is at least one of a polymerizable compound and a polymer compound.

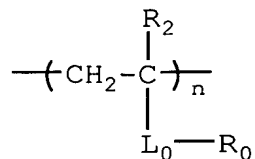
Claim 8 (Original): The retardation film as claimed in claim 6, wherein the alignment film comprises a polymer having at least one of a hydrophobic group and an exclude-volume group.

Claim 9 (Original): The retardation film as claimed in claim 8, wherein the polymer comprises an acrylic or methacrylic acid copolymer comprising a repeating unit represented by the following formula (I) and a repeating unit represented by the following formula (II) or (III):

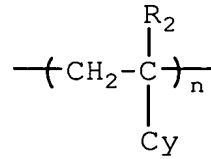
(I)



(II)



(III)



wherein  $\text{R}_1$  represents a hydrogen atom or a methyl group;  $\text{R}_2$  represents a hydrogen atom, a halogen atom or an alkyl group having from 1 to 6 carbon atoms;  $\text{M}$  represents a proton, an alkali metal ion or an ammonium ion;  $\text{L}_0$  represents a divalent linking group selected from the group consisting of  $-\text{O}-$ ,  $-\text{CO}-$ ,  $-\text{NH}-$ ,  $-\text{SO}_2-$ , an alkylene group, an alkenylene group, an arylene group and a combination thereof;  $\text{R}_0$  represents a hydrocarbon group having from 10 to 100 carbon atoms or a fluorine atom-substituted hydrocarbon group having from 1 to 100 carbon atoms;  $\text{C}_y$  represents an aliphatic ring group, an aromatic group or a heterocyclic group;  $m$  is from 10 to 99 mol%; and  $n$  is from 1 to 90 mol%.

Claim 10 (Original): The retardation film as claimed in claim 1, wherein said at least one optically anisotropic layer is not stretched.

Claim 11 (Currently Amended): An elliptically polarizing film comprising [[a]] the retardation film claimed in claim 1 and a polarizing film.